

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**GENARRO D. SHUMPERT**

**PETITIONER**

**V.**

**NO. 1:09CV158-A-D**

**STATE OF MISSISSIPPI, et al.**

**RESPONDENTS**

**FINAL JUDGMENT**

The Petitioner filed this matter pursuant to 28 U.S.C. § 2254 challenging his state court conviction and sentence. Following the State's response to the habeas petition, Magistrate Judge Jerry A. Davis recommended that the Petitioner's claims be dismissed with prejudice as untimely filed. On December 4, 2009, the Petitioner filed Objections to the Report and Recommendation.

The court finds that the Petitioner's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

(1) Petitioner's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation (docket entry 15) is APPROVED and ADOPTED as the opinion of this court; and

(3) the motion to dismissed (docket entry 12) is GRANTED;

(4) the Petition is DISMISSED with prejudice; and

(5) this matter is CLOSED.

SO ORDERED, this the 9th day of December, 2009.

/s/ Sharion Aycock  
**U.S. DISTRICT JUDGE**